

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: :
Gary D. Giegerich *et al* :
Conf. No.: 5833 : Group Art Unit: 3714 :
Appln. No.: 10/665,002 : Examiner: Cameron Saadat :
Filing Date: September 18, 2003 : Attorney Docket No.: 9249-56U1 :
Title: Electronically-Scored Game Providing Audible Feedback and Method of Use

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The following Comments on Statement of Reasons for Allowance is submitted in response to the Notice of Allowance, dated June 12, 2007. Applicants respectfully object to the Examiner's Statement of Reasons for Allowance listed on page 2 of the Notice of Allowability.

37 CFR § 1.104(e) and MPEP § 1302.14 permit an Examiner to set forth a written statement of reasons for allowance under specific circumstances. However, certain requirements for the statement of reasons for allowance are expressly set forth in MPEP § 1302.14, including the requirement that “[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims.”

The Examiner's Reasons for Allowance listed in the first paragraph on page 2 of the Notice of Allowability are objected to at least on the ground that they fail to comply with the aforesaid requirement of MPEP § 1302.14 because the reasons for allowance are not wholly accurate and place an unnecessarily narrow interpretation on the claims. Applicants deny acquiescence to the reasons for allowance and further deny being bound by any negative inferences that may flow therefrom in any future proceeding regarding this application or any patent issuing directly or indirectly therefrom.

Applicants object to the Examiner's Statement of Reasons for Allowance because the Examiner includes features in the Reasons for Allowance that are not included in the identified

claims. Specifically, claim 5 does not include the feature of a game level difficulty input switch to select a level of game difficulty, claim 12 does not include the word, "select" as is listed in the reasons for allowance, claim 5 does not include the word, "unfavorable" as is listed in the reasons for allowance, the claims are not limited to audible recordings played based on the level of game difficulty selected as is indicated in the reasons for allowance, the Examiner mixes independent product claims 1 and 5 with method claim 12 in the same reasons for allowance listing the same features and additional differences between the claims and the reasons for allowance are present which are not specifically listed herein.

Applicants respectfully submit that claims 1, 4-6, 8, 10 and 12-15 are patentable over the prior art of record because they meet all patentability requirements set forth by the U.S. Patent and Trademark Office.

It is respectfully requested that these Comments on Examiner's Statement of Reasons for Allowance be made of record in the application and the patent file.

Respectfully submitted,

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July 16, 2007 *(Date)* By: Dennis J. Butler
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